

12 13-02-2023
AKG
Ct. 238

WPA 24939 of 2022
Dr. Biswajit Bhattacharya
Vs.
State of West Bengal & Ors.

Mr. Ranajit Chatterjee,
Mr. Aniruddha Mitra
...for the Petitioner

Mr. Arjun Roy Mukherjee,
Mr. Joyjeev Medhi,
Mr. Sucharita Paul
...for the State

Mr. Prabir Dasgupta,
Mr. Suman Dey
...for the University

The petitioner retired as an Assistant Superintendent of Farms, Bidhan Chandra Krishi Viswavidyalaya at Nadia.

It is the grievance of the petitioner that his retiral dues have not been released till date.

A report has been filed by the State today. The relevant part of the report is quoted below :-

“The Registrar, BCKV vide letter no. : REG/RS/D-32 dated 11.05.2022 intimated that all matters which is form re-designation to upgradatation in fravour of the petitioner were done with the approval of the Executive Council of BCKV and that approval from the State Government was not available.

I state that in terms of Section 33A of the BCKV, Act 1974, “No post to be created or appointment made without State Government’s approval”. Therefore, it is apparent that all matters which is form re-designation to upgradation in favour of the petitioner were made not in accordance with the provisions of the BCKV Act, 1974.

Having considered the issue in question the Finance Department, Government of West Bengal found that the act on the part of the BCKV

was a glaring example of transgressing of the prevalent norms. However, the Finance Department further decided that it would not be prudent on the part of the Government to withhold the retiral benefits of the petitioner for such act on the part of the BCKV and as it has been decided that the retiral benefits may be disbursed in favour of the petitioner as per prevalent rules.”

Since the State has opined in its report that the petitioner is entitled to his retiral dues, I do not see any justification to keep this writ petition pending.

Accordingly, this writ petition is disposed of with a direction upon the Bidhan Chandra Krishi Viswavidyalaya to send all necessary papers to the State for the release of the retiral dues of the petitioner within a period of two weeks from date.

The State will disburse necessary funds for this purpose to the university within two weeks after receiving the papers, if such funds have not already been disbursed.

The university, within seven days thereafter, shall release the retiral dues of the petitioner.

WPA 24939 of 2022 is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)